

# EPC COMMISSION MINUTES & AGENDA

MONTH MAY

YEAR 1989

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Minutes of the Environmental Protection Commission Meeting

May 22, 1989

Wallace State Office Building, Des Moines, Iowa

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MAY 1989 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 8:00 a.m. on May 22 1989.

MEMBERS PRESENT

Mike Earley, Richard Hartsuck, Charlotte Mohr, Margaret Prahl, Gary Priebe, Nancy Lee Siebenmann, and Clark Yeager,

ADOPTION OF AGENDA

The following item was added to the agenda:

Proposed Contested Case Decision--Iowa Power and Light Company

It was suggested that the Referrals To The Attorney General item be moved to follow Election of Officers.

*Motion was made by James Earley to approve the agenda as amended. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.*

ELECTION OF OFFICERS

Acting Chairperson Charlotte Mohr asked for nominations for chairperson, and noted that it takes five votes (a majority of the Commission) to elect.

*Mike Earley nominated Nancy Lee Siebenmann for chairperson.*

*Gary Priebe nominated Charlotte Mohr for chairperson.*

*Motion was made by Clark Yeager to cease nominations. Seconded by Gary Priebe. Motion carried unanimously.*

*Voice vote for chairperson was taken and Commissioners Earley, Hartsuck, Prahl, and Siebenmann cast a vote for Nancy Lee Siebenmann; Commissioners Priebe, Yeager, and Mohr cast a vote for Charlotte Mohr. Motion failed due to a lack of concurrence of a majority of the Commission.*

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*Motion was made by Margaret Prahl that the person receiving the most votes serve as Interim Chair until the remaining seats on the Commission have been filled. Seconded by Mike Earley.*

Gary Priebe stated that if a person serves as Interim Chair it should be a succession of the officers that were already in position.

*"Aye" vote was cast by Commissioners Earley, Hartsuck, Prahl, and Siebenmann. "Nay" vote was cast by Commissioners Priebe, Yeager, and Mohr. The vote was 4-Aye and 3-Nay; motion failed due to a lack of concurrence of a majority of the Commission.*

Since the Commission was in a stalemate situation on this item and with limited time to handle the agenda, it was agreed that Charlotte Mohr, as Secretary of the Commission, will continue as Interim Chair until there is a full Commission in operation.

ADOPTION OF MINUTES

*Motion was made by Margaret Prahl to approve the minutes of April 17, 1989 as presented. Seconded by Gary Priebe. Motion carried unanimously.*

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Government Liaison Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7 (4).

Ottumwa-Wapello Landfill - solid waste Austin and darrell Rumley (Leon) - flood plain Moore Oil Company (West Branch) - drinking water

Ottumwa-Wapello Landfill

Mike Murphy informed the Commission that this facility was previously issued an Administrative Order and was referred to the Attorney General in June, [1988, with a consent decree entered in September of 1988. Beginning with January, 1989 and at two subsequent inspections, violations at this landfill have occurred. Mr. Murphy requested that it be given one more time in court.

Clark Yeager asked why the previous decree could not be enforced.

Mr. Murphy replied that enforcement of the previous decree is one option the Attorney General could consider in this case. He added that a new action would allow additional penalties and address some of the specific problems which have been noted this year.

APPOINTMENT - LARRY LARSON

Larry Larson, Director of Public Works for the City of Ottumwa and recently appointed Director of Landfill Operations, addressed the Commission outlining the steps the city has taken recently to correct their problems. He noted that they do plan to meet all DNR regulations in the future.

Clark Yeager asked why the Attorney General cannot take action using the original referral rather than referring this again.

Mr. Murphy stated that he asked the Attorney General's Office about that, and they felt it would be best to bring it before the Commission again to be sure it is in agreement with what the Commission wants in regards to the recent violations.

Mr. Murphy noted that there was a consent decree filed last September and there is an injunction requiring compliance with various requirements. The only thing the Attorney General could do with the injunction is to seek contempt of court, and that may not even be appropriate. It was the feeling of the Attorney General's Office that a new action to seek additional penalties should be brought before the Commission.

*Motion was made by Margaret Prah for referral to the Attorney General's Office. Seconded by Richard Hartsuck. Motion carried unanimously.*

Clark Yeager expressed concern about media statements in Ottumwa indicating that the city and county would be referred and fined. He related that department staff were on the radio and that was the press which followed.

Austin and Darrell Rumley (Leon)

Mr. Murphy stated that this matter involves an unpermitted levee on Long Creek in Decatur County. He noted that informal efforts to resolve the problem have been exhausted. In January, an Administrative Order was issued directing that the levee be degraded or necessary paper work to get the levee approved be submitted, and that order was not appealed.

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APPOINTMENT - AUSTIN RUMLEY

Austin Rumley addressed the Commission explaining that the old dike washed out where the creek comes into his property, and all he did was repair the old dike. He stated that the dike had been there since the previous owner had the property. Mr. Rumley related that he thought a person could repair an old dike, but he later found out that it cannot be done without a permit. He explained that he would like to straighten the river, but he would have to get access to the land where the straightening would take place, and the owner will not agree to it. Mr. Rumley stated that he received a letter from the department directing him to get an engineer to prepare plans, and he understood that to mean to get the river straightened, then in the last letter he received he realized that the department was talking about the dike.

Charlotte Mohr asked if Mr. Rumley communicated with staff when he received letters from the department.

Mr. Rumley replied that he did respond, but maybe not as quick as he should have, and the problem was that he was confused as to what the department wanted.

Margaret Prael asked what work Mr. Rumley did to repair the dike.

Mr. Rumley responded that he increased the dike about eight feet in making repairs. He related that it is a continual hassle to keep the river from going through the dike where it eats into the sharp bend.

What Mr. Rumley understood to be an approval was really a temporary cessation of action until engineering plans were submitted. Mr. Murphy stated that in June, 1984 approval was not given when staff visited the area, but Mr. Rumley was to get plans in to the department.

Gary Priebe asked if after-the-fact approval could be given.

Mr. Murphy stated that after-the-fact approval is one of the options available, as Mr. Rumley needs a permit for the work he did.

Randall Clark, Government Liaison Bureau, explained regulations governing the repair of a pre-statutory dike or levee.

*Motion was made by Gary Priebe for referral to the Attorney General's Office with the stipulation that action not be taken for 60 days to allow Mr. Rumley time to do what needs to be done, now that he knows what the department desires. Seconded by Margaret Prael.*

Clark Yeager stated that he feels the civil penalty recommendation is ridiculous for a 300 foot levee.

Discussion followed regarding the possibility of Mr. Rumley obtaining an after-the-fact permit.

Mr. Clark stated that modification of the levee would likely be required as part of issuing an after-the-fact permit to Mr. Rumley.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Earley, Hartsuck, and Siebenmann. "Nay" vote was cast Commissioners Prahl, Priebe, Yeager, and Mohr. The vote was 3-Aye and 4-Nay; motion failed due to a lack of concurrence of a majority of the Commission.

Motion was made by Clark Yeager for referral to the Attorney General's Office to collect the administrative penalty and to get the matter resolved. Seconded by Gary Priebe. Motion carried unanimously.

Gary Priebe asked that Mr. Rumley meet with staff before leaving today so that he knows what needs to be done.

#### Moore Oil Company

Mike Murphy briefed the Commission on the history of this case.

#### APPOINTMENT - RON MOORE

Ron Moore stated that he implemented new procedures and control measures which he thought would ensure that sampling would be done and properly reported. However, the data form with an I.D. number was not sent along with the sample, but another paper was sent instead. As a result, one sample was not recorded. He added that he thought he had a good system but it broke down.

Greg Andrews, Moore Oil Company employee, stated that he takes a sample every quarter and it is mailed the first month of the quarter. He related that they have been mailed since he began working there in April, 1988. Apparently, the one for the last quarter of 1988 was not received by the lab. In the future a receipt will be requested to show that the lab recieved the sample.

Donna Haas, Moore Oil Company, stated that she mailed out the samples and that she does have the copies of the receipt.

Discussion followed regarding unclaimed water samples and the procedure for entering sample analysis into the computer system.

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*Motion was made by Nancy Lee Siebenmann not to refer at this time in view of the likelihood of error in this situation, but that any subsequent violations be dealt with in the normal manner. Seconded by Richard Hartsuck. Motion carried unanimously.*

CONTESTED CASE DECISION, PROPOSED--IOWA POWER AND LIGHT COMPANY

Mike Murphy, Bureau Chief, Government Liaison Bureau, presented the following item.

On November 9, 1988, Iowa Power and Light Company filed with the Iowa Utilities Board an application for a certificate of public convenience, use, and necessity to construct four combustion turbine generating units in Pleasant Hill, Iowa. As part of that application Iowa Power also applied to this department for applicable air quality permits. The process for issuing a permit, called a conditional permit, is different than normal because it is conducted within formal proceedings before the IUB, with this agency ruling on the sole issue of whether applicable environmental regulations are met. In this case the only applicable regulation concerns the air quality permit. The department's decision is made through a contested case proceeding within the IUB's proceeding. This matter proceeded to administrative hearing on March 29, 1989. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Conditional Permit on May 9, 1989.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Richard Hartsuck stated that he would like to disqualify himself from acting on this item as he is a director of Iowa Resources which is a parent company of Iowa Power and Light.

Mr. Murphy briefed the Commission on the history of this case.

Charlotte Mohr pointed out that under Condition IX, reference is made to the requirement for construction to begin in 90 days, and on the very last page under number 7, it states 60 days.

Mr. Murphy stated that staff will check this out and make any necessary corrections.

*Motion was made by Nancy Lee Siebenmann to take no action in this matter. Seconded by Mike Earley. Motion carried unanimously.*

In the absence of an appeal, the Proposed Decision will become the final decision of the Commission.

PUBLIC PARTICIPATION

Ted Yanacek, Iowa Farm Bureau Federation, expressed concern with some letters received by farmers in Hardin County in regards to open dumping. He related that the department was given discretion to develop rules that would provide less stringent criteria for the disposal of refuse on one's own property. Mr. Yanacek stated that it is his understanding, that presently, in order for a person to dispose of solid waste on his/her own property they have to go through the entire procedure to become a sanitary landfill. In conclusion, Mr. Yanacek asked the Commission to develop a permit or process to make it reasonable for a farmer to dispose of fenceposts, wire, a fallen building, etc., so that farmers will have some idea of what they can do to dispose of refuse on their own property.

Mike Earley asked if these letters have been sent in the past.

Director Wilson stated that there has been some discussion between our Mason City field office and Hardin County about the number of landfills. He mentioned that several weeks ago there was some extremely high wind in Humboldt County and there were buildings and trees blown down, and in that situation the department did allow on site burning of the fallen buildings and also allowed on site burial of some of the nonburnables. In this type of emergency situations the department is not completely unyielding.

Allan Stokes explained that enforcement of on-farm abandoned dumps is not localized to Hardin County. If this type of dump is spotted or a complaint is received, then an investigation is made and a letter is sent advising the involved party what must be done. Mr. Stokes stated that staff is working with Mr. Yanacek on some guidelines for rule development pertaining to routine on site disposal.

GEOPROBE EQUIPMENT PURCHASE APPROVAL

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Approve purchase of soil exploratory equipment for use by the Solid Waste Section in hazardous waste site investigations. This equipment will cost approximately \$26,000 which will be funded

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100% from the Multi-site Cooperative Agreement with EPA under the Superfund program.

The proposed equipment is a hydraulic-powered system for inserting small diameter probe rods into the ground. It will be mounted in the back of an existing cargo van. The equipment also has a hydraulic hammer which enables boring through asphalt and concrete. Probe rods can be driven to depths up to 50 feet which will enable very quick and inexpensive sampling of soils, groundwater, and soil-gas.

In summary, the proposed "Geoprobe" equipment will provide the Department with an extremely versatile and efficient tool for use in hazardous waste investigations. The equipment will provide significant savings by eliminating costly monitoring wells and expensive analyses in many cases. In addition, it will expedite investigations and greatly enhance productivity.

*Motion was made by Margaret Prah1 to approve the Geoprobe Equipment Purchase as presented. Seconded by Clark Yeager. Motion carried unanimously.*

TOXIC CLEANUP DAYS CONTRACT APPROVAL

Stu Schmitz, Environmental Specialist, Waste Management Authority Division, presented the following item.

Four proposals were received by hazardous waste management firms to conduct the June 1989 toxic cleanup days in Waterloo and Denison in response to the Request for Proposals issued by the Department. The lowest cost bid was submitted by GSX Chemical Services, Inc. of Greenbrier, Tennessee. GSX also conducted the toxic cleanup days held in Iowa last fall and performed very satisfactorily. GSX has been selected as the current contractor.

Attached is a proposed contract with GSX, which also incorporates the proposal submitted by GSX. The Department will be paying for the event held in Denison and serving Crawford, Carroll and Audubon counties. Estimated cost is \$50,000. The Black Hawk County Solid Waste Commission will be paying for the event held in Waterloo for Black Hawk County.

### TOXIC CLEANUP DAYS AGREEMENT

This Agreement, dated this day \_\_\_\_ of \_\_\_\_\_, 1989 by and between the State of Iowa Department of Natural Resources, (IDNR) and GSX Chemicals Services, Inc., a Delaware corporation, (GSX), states as follows:

WHEREAS IDNR desires to conduct three household hazardous waste collection programs (Toxic Cleanup Days) to provide a safe convenient place where citizens of Iowa can dispose of stored household hazardous wastes, and

WHEREAS IDNR desires to hire a professional contractor knowledgeable and experienced in conducting such a waste disposal program, and

WHEREAS GSX has represented that it is staffed with personnel knowledgeable and experienced in conducting such a waste disposal program.

#### W I T N E S S E T H:

Now, therefore, in consideration of the mutual promises and benefits of this Agreement, IDNR and GSX agree as follows:

1. Employment of GSX. IDNR agrees to hire GSX and GSX agrees to act as IDNR's contractor to conduct the Toxic Cleanup Days programs on June 3, 1989 and June 17, 1989.

2. Scope of Services. GSX shall perform in a good and professional manner the services identified in IDNR's request dated March 17, 1989, as modified by GSX's "Business Proposal" dated March 28, 1989, copies of which are attached hereto and incorporated by reference, as well as the services listed in this Agreement. Any conflict between the terms of this Agreement of the contract and the terms of the RFP proposal will be governed by the terms of this Agreement contract.

a. GSX shall have present at the collection sites an employee or agent of GSX trained in the identification of all hazardous and acutely hazardous wastes (collectively "Wastes") as defined by federal or Iowa regulations, or agents of GSX and such materials and equipment as are necessary to handle, containerize, label, load and transport such Wastes from IDNR's service areas in a manner conforming to the State of Iowa and federal laws and regulations.

The Toxic Cleanup Days Program will be held on the following dates at the corresponding times and places:

June 3, 1989

Cattle Congress Grounds  
Black Hawk County, Iowa  
8:00 a.m. to 3:00 p.m.

June 17, 1989

Crawford County Fairgrounds  
Crawford County, Iowa  
9:00 a.m. to 4:00 p.m.

b. GSX shall accept Wastes, for transportation and disposal from IDNR's service area, only from such individuals as are designated by an IDNR representative present at the site as being residents of IDNR's service area, and only in such amounts as are approved by such representative.

c. GSX shall transport from IDNR's service area within 48 hours of the day collection takes place, or as soon as possible thereafter, all identified Wastes which it has accepted from residents of IDNR's service area at the site.

d. Except as provided in paragraph e and f, GSX disclaims all responsibility for and assumes no liability for the following wastes which it will neither handle at the site nor accept for disposal:

Compressed Gas Cylinders, Explosives or Shock Sensitive Materials and Ammunition, Unknown Materials, Radioactive Materials, Dioxin, Kepone, Tri-Tetra- and Pentachlorophenols and their Chlorophenoxy derivative Acids, Esters, Ethers, amine and other Salts (i.e., Sodium Pentachlorophenate, 2,4,5-T, Silvex and 2,4,5- TP).

e. If a citizen brings a chemical listed in paragraph d above to the collection station, and if IDNR decides to accept the waste, GSX will package the material for IDNR and GSX will be compensated for packaging services in accordance with the fee schedule in the GSX proposal.

f. Any Aerosols that GSX has a disposal outlet for, will be packaged and incinerated at the bulk solids (incineration) pricing. Other Aerosols will be handled in accordance with Section e.

3. Time of Performance. GSX shall begin the services to be performed under this Agreement upon Notice to Proceed from IDNR, and shall undertake such services to assure readiness for and successful completion of the Toxic Cleanup Days.

4. Compensation and Payment. IDNR agrees to pay GSX for its services in accordance with the price and terms of payment set forth in the attachments to this Agreement. Payment terms are net 30 days. Invoices will be submitted

following each phase of work completed. IDNR will compensate GSX in accordance with the unit prices already supplied to IDNR.

5. Generator. GSX shall be deemed to be the "Generator," for purposes of federal, state and local laws and regulations, of all wastes accepted by GSX during the Toxic Cleanup Days program from residents of IDNR's service area.

6. Licenses. GSX certifies, that on the days of collection, it will have:

a. Valid Environmental Protection Agency identification numbers for generation, transportation and storage of hazardous and acutely hazardous wastes; and

b. Approval for wastes to be disposed of at EPA and GSX approved disposal sites.

7. Insurance. GSX shall have liability insurance in effect for claims arising out of death or bodily injury and property damage from hazardous and acutely hazardous waste transport and storage and disposal, including automobile liability, and legal defense costs, as evidenced by a certificate of insurance satisfactory to IDNR delivered to IDNR not later than fourteen (14) days prior to the day of collection. GSX shall procure and maintain, at its expense during the term of this Agreement, at least the following insurance covering the services to be performed under this Agreement: (a) Worker's Compensation-Statutory; (b) Employer's Liability \$500,000 each occurrence; (c) Public Liability (bodily injury) - \$1,000,000 per occurrence, \$2,000,000 annual aggregate; (d) Public Liability (property damage) -same as (c) above; (e) Automobile Liability (property damage) -\$1,000,000 each occurrence; (f) Environmental Impairment Liability (non-sudden accidental coverage) - \$3,000,000 per occurrence, \$6,000,000 annual aggregate. Environmental Impairment Liability coverage applies only to the hazardous waste landfill of GSX Services of South Caroline, Inc.

8. Title to Waste. Title to all identified Waste accepted by GSX at the site from residents of IDNR's service area for transport and disposal by GSX shall pass directly from such residents to GSX at the time of its acceptance.

9. Warranty. GSX warrants that it understands the currently known hazards and suspected hazards which are presented to persons, property and the environment by the transportation, treatment and disposal of Wastes. GSX further warrants that it will perform all services under this Agreement in a

safe, efficient, and lawful manner using industry-accepted practices, and in full compliance with all applicable state and federal laws and regulations.

10. Indemnification. GSX shall indemnify, hold harmless and defend IDNR from and against any and all liabilities, claims, penalties, fines, forfeitures, suits and the costs and expenses incident thereto (including cost of defense, settlement, and reasonable attorney's fees) which may be alleged against IDNR or which IDNR may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations or orders, to the extent that such damage was caused by GSX's or GSX's agents' negligent, willful or intentional act or omission, breach of contract or a failure of GSX's warranties to be true, accurate or complete.

11. Independent Contractor. GSX is and shall perform this agreement as an independent contractor, and as such, shall have and maintain complete control over all of its employees and operations. Neither GSX nor anyone employed by it shall be, represent, act, purport to act, or be deemed to be the agent, representative, employee or servant of IDNR.

12. Waiver. Any waiver by either party of any provision or condition of this Agreement shall not be construed or decreed to be a waiver of any other provision or condition of this Agreement, nor a waiver of a subsequent breach of the same provision or condition, unless such waiver be expressed in writing by the party to be bound.

13. Modification. No modification of this agreement shall be binding on GSX or IDNR unless set out in writing signed by both parties.

14. Headings. The titles of the paragraphs of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting the provisions of this Agreement.

15. Completeness of Agreement. This Agreement and any documents incorporated by reference contain all the terms and conditions agreed to by IDNR and GSX, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement or any part thereof shall have any validity or bind any of the parties hereto.

16. When Rights and Remedies Not Waived. In no event shall the making by IDNR of any payment to GSX constitute or be construed as a waiver by IDNR of any breach of covenant, or any default which may then exist, on the part of

GSX, and the making of any such payment by IDNR while any such breach of default exist shall in no way impair or prejudice any right or remedy available to IDNR with respect to such breach or default. Any waiver by either party of any provision of condition of this Agreement shall not be construed or decreed to be a waiver of any other provision or condition of this Agreement, nor a waiver of a subsequent breach of the same provision or condition, unless such waiver be expressed in writing by the party to be bound.

17. Personnel. GSX represents that it has, or will secure at its own expense, all personnel required in performing the services under this Agreement. GSX is and shall perform this agreement, as an independent contractor, and as such, shall have and maintain complete control over all its employees and operation.

18. Non-Discrimination Provision. During the performance of this Agreement, GSX agrees as follows:

a. GSX will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of GSX. GSX agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of the nondiscrimination clause.

b. GSX, in all solicitations or advertisements for employees placed by or on behalf of GSX will state the GSX is an equal opportunity employer.

c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

d. GSX shall include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over Ten Thousand Dollars (\$10,000.00) so that the provisions will be binding upon each subcontractor or vendor.

19. Notices. Any notices, bills, invoices or reports required by this Agreement shall be sufficient if sent by the parties in the United States, mail, postage paid, to the address noted below:

If to IDNR: Waste Management Division  
Department of Natural Resources  
Wallace State Office Building  
Des Moines, IA 50319-0034

If to GSX: GSX Services, Inc.  
Old Greenbrier Pike  
Route 2  
Greenbrier, TN 37073-0903

20. Governing Law. IDNR and GSX agree that the validity and construction of this Agreement shall be governed by the laws of Iowa.

21. Assignment. IDNR and GSX bind themselves and any successors and assigns to this Agreement. GSX shall not assign, sublet, or transfer its interest in this Agreement without written consent of IDNR. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of IDNR, nor shall it be construed as giving any rights or benefits hereunder to anyone other than IDNR and GSX.

IN WITNESS WHEREOF, IDNR and GSX have executed this Agreement as of the date first written above.

IOWA DEPARTMENT OF NATURAL RESOURCES

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

GSX CHEMICAL SERVICES, INC.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

SS:lb/SS.WM

Discussion followed regarding waste that is not accepted at the sites.

Motion for approval was not made, but a vote was taken and it was unanimous.

NOTICE OF INTENDED ACTION--CHAPTER 62, EFFLUENT AND PRETREATMENT STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department requests that the Commission approve holding a public hearing to receive comments on the proposed rules at 10:00 a.m. on June 6, 1989 in Des Moines. The proposed rules appeared as an information item on the Commissions April agenda.

The proposed rules adopt by reference the federal effluent and pretreatment standards applicable to a number of industries in Iowa. The effluent and pretreatment standards adopted by the Commission are required to be at least as stringent as those promulgated by EPA in order to have continued approval of the department's NPDES program. The Iowa Code requires that the effluent and pretreatment standards adopted by the Commission not be more stringent than those promulgated by EPA.

(Notice of Intended Action shown on following 3 pages)

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ENVIRONMENTAL PROTECTION COMMISSION [567]  
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission gives notice of intended action to amend 567--Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," Iowa Administrative Code.

The purpose of the proposed rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards found in 40 Code of Federal Regulations (CFR) which need to be changed due to federal amendments and revisions to 40 CFR.

The effluent and pretreatment standards adopted by the Commission are required to be at least as stringent as the enumerated promulgated federal standards in order to have the continued approval by the federal Environmental Protection Agency of the department's NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the commission not be more stringent than the enumerated promulgated federal standards.

Any interested person may submit written suggestions or comments on the proposed rule changes through July 15, 1989. Such written materials should be directed to Steve Williams, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. Persons who have questions may contact Steve Williams at 515/281-8884. Persons are also invited to present oral or written comments at a public hearing which will be held on July 5, 1989 at 10:00 a.m. in conference room 5 West, Wallace State Office Building, 900 East Grand, Des Moines, Iowa.

These rules may have an impact upon small businesses.

Copies of these proposed rules may be obtained from Sarah Detmer, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part I.

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ITEM 1. Amend rule 62.4(455B) to read as follows:  
567--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, 1986 1988, are applicable to the following categories:

ITEM 2. Amend subrule 62.4(3) as follows:

62.4(3) General pretreatment regulations for existing and new sources of pollution. The following is adopted by reference: 40 CFR 403 as amended on July-1; -1986 -(51-FR-23759); -October-9; -1986 -(51-FR-36368); -and-January-14; 1987 -(52-FR-1600) October 17, 1988 (53 FR 40562), and January 4, 1989 (54 FR 246).

ITEM 3. Amend subrule 62.4(5) to read as follows:

62.4(5) Dairy products processing industry point source category. The following is adopted by reference: 40 CFR part 405 as-revised-on-July-9; -1986 (51-FR-24974).

ITEM 4. Amend subrule 62.4(6) to read as follows:

62.4(6) Grain mills point source category. The following is adopted by reference: 40 CFR part 406 as-revised-on-July-9; -1986 -(51-FR-24974).

ITEM 5. Amend subrule 62.4(7) to read as follows:

62.4(7) Canned and preserved fruits and vegetables processing point source category. The following is adopted by reference: 40 CFR part 407 as-revised on-July-9; -1986 -(51-FR-24974).

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ITEM 6. Amend subrule 62.4(8) to read as follows:

62.4(8) Canned and preserved seafood processing point source category. The following is adopted by reference: 40 CFR part 408 as-revised-on-July-9;-1986-(51-FR-24974).

ITEM 7. Amend subrule 62.4(9) to read as follows:

62.4(9) Sugar processing point source category. The following is adopted by reference: 40 CFR part 409 as-revised-on-July-9;-1986-(51-FR-24974).

ITEM 8. Revise subrule 62.4(11) as follows:

62.4(11) Cement manufacturing point source category. The following is adopted by reference: 40 CFR part 411 as-revised-on-July-9;-1986-(51-FR-24974).

ITEM 9. Revise subrule 62.4(12) as follows:

62.4(12) Feedlots point source category. The following is adopted by reference: 40 CFR part 412 as-revised-on-July-9;-1986-(51-FR-24974).

ITEM 10. Revise subrule 62.4(13) as follows:

62.4(13) Electroplating point source category. The following is adopted by reference: 40 CFR part 413 as-amended-on-November-7;-1986-(51-FR-40420).

ITEM 11. Revise subrule 62.4(18) as follows:

62.4(18) Fertilizer manufacturing point source category. The following is adopted by reference: 40 CFR part 418 as-revised-on-July-9;-1986-(51-FR-24974).

ITEM 12. Revise subrule 62.4(21) as follows:

62.4(21) Nonferrous metals manufacturing point source category. The following is adopted by reference: 40 CFR part 421 as-revised-on-February-3;-1987-(52-FR-3230).

ITEM 13. Revise subrule 62.4(22) as follows:

62.4(22) Phosphate manufacturing point source category. The following is adopted by reference: 40 CFR part 422 as-revised-on-July-9;-1986-(51-FR-24974).

ITEM 14. Revise subrule 62.4(24) as follows:

62.4(24) Ferroalloy manufacturing point source category. The following is adopted by reference: 40 CFR part 424 as-revised-on-July-9;-1986-(51-FR-24974).

ITEM 15. Revise subrule 62.4(26) as follows:

62.4(26) Glass manufacturing point source category. The following is adopted by reference: 40 CFR part 426 as-revised-on-July-9;-1986-(51-FR-24974).

ITEM 16. Revise subrule 62.4(30) as follows:

62.4(30) Pulp, paper and paperboard point source category. The following is adopted by reference: 40 CFR part 430 as-amended-on-December-17;-1986-(51-FR-45232).

ITEM 17. Revise subrule 62.4(31) as follows:

62.4(31) Builders paper and roofing felt segment of the builders paper and board mills point source category. The following is adopted by reference: 40 CFR part 431 as-amended-on-December-17;-1986-(51-FR-45282).

ITEM 18. Revise subrule 62.4(32) as follows:

62.4(32) Meat products point source category. The following is adopted by reference: 40 CFR part 432 as-amended-on-July-9;-1986-(51-FR-24974).

ITEM 19. Revise subrule 62.4(33) as follows:

62.4(33) Metal finishing point source category. The following is adopted by reference: 40 CFR part 433 as-amended-on-November-7;-1986-(51-FR-40420).

ITEM 20. Revise subrule 62.4(34) as follows:

62.4(34) Coal mining point source category. The following is adopted by reference: 40 CFR part 434 as-revised-on-October-9;-1985-(50-FR-41305).

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- ITEM 21. Revise subrule 62.4(39) as follows:  
62.4(39) Pharmaceutical manufacturing point source category. The following is adopted by reference: 40 CFR 439 as-amended-on-December-16;-1986-(51-FR-45094).
- ITEM 22. Revise subrule 62.4(55) as follows:  
62.4(55) Pesticide chemicals manufacturing point source category. The following is adopted by reference: 40 CFR part 455 as-revised-on-December-15; 1986-(51-FR-44911).
- ITEM 23. Revise subrule 62.4(61) as follows:  
62.4(61) Battery manufacturing point source category. The following is adopted by reference: 40 CFR part 461 as-amended-on-August-28;-1986-(51-FR-30814).
- ITEM 24. Revise subrule 62.4(64) as follows:  
62.4(64) Metal molding and castings point source category. The following is adopted by reference: 40 CFR part 464 as-promulgated-October-30;-1985-(50-FR-45247)-and-corrected-on-June-16;-1986-(51-FR-21760).
- ITEM 25. Revise subrule 62.4(66) as follows:  
62.4(66) Porcelain enameling point source category. The following is adopted by reference: 40 CFR part 466 as-amended-on-September-6;-1985-(50-FR-36540).
- ITEM 26. Amend subrule 62.4(67) as follows:  
62.4(67) Aluminum forming point source category. The following is adopted by reference: 40 CFR part 467 as amended on December 27, 1988 (53 FR 52366).
- ITEM 27. Revise subrule 62.4(68) as follows:  
62.4(68) Copper forming point source category. The following is adopted by reference: 40 CFR part 468 as-amended-on-August-23;-1985-(50-FR-34334)-and-March-5;-1986-(51-FR-7570);-and-June-20;-1986-(51-FR-22520).
- ITEM 28. Revise subrule 62.4(71) as follows:  
62.4(71) Nonferrous metals forming and metal powders. The following is adopted by reference: 40 CFR part 471 as-promulgated-August-23;-1985-(50-FR-34270);-and-corrected-on-January-22;-1986-(51-FR-2884) as amended on March 17, 1989 (54 FR 11346) and corrected on April 4, 1989 (54 FR 13606).
- ITEM 29. Amend subrule 567--62.5(455B) to read as follows:  
  
567--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129, revised as of July 1, 1986 1988.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

(A:EP62.MIN/125-89/sc)

Mr. Stokes clarified that the public hearing date is July 5 rather than June 6, 1989, as shown in the item brief.

*Motion was made by Margaret Prah! to approve Notice of Intended Action--Chapter 62, Effluent and Pretreatment Standards. Seconded by Nancylee Siebenmann. Motion carried unanimously.*

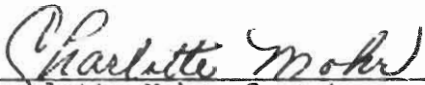
Items #7 and #9

Items number seven and nine were not taken up at this meeting due to a time constraint.

ADJOURNMENT

*Motion was made by Charlotte Mohr to adjourn the meeting. Seconded by Nancylee Siebenmann. Motion carried unanimously.*

With no further business to come before the Environmental Protection Commission, Chairperson Mohr adjourned the meeting at 9:50 a.m., Monday, May 22, 1989.

  
Charlotte Mohr, Secretary

  
Harry J. Wilson, Director

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RECORD COPY

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*ADM-1-1-1-EPC Commission Meeting May 1989*

Senders Initials

*J. H.*

MEETING AGENDA  
ENVIRONMENTAL PROTECTION COMMISSION  
WALLACE STATE OFFICE BUILDING  
May 22, 1989

Meeting convenes at 8:00 a.m., May 22, 1989 in the fourth floor conference room and will adjourn by 9:30 a.m.

Public Participation

8:45 a.m.

1. Approve Agenda
2. Election of Officers
3. Approve Minutes of April 17, 1989.
4. Geoprobe Equipment Purchase Approval. (Kuhn) Decision.
5. Toxic Cleanup Days Contract. (Hay) Decision.
6. Notice of Intended Action--Chapter 62, Effluent and Pretreatment Standards. (Stokes) Decision.
- Not presented* - 7. Monthly Reports. (Stokes) Informational.
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  - (a) Ottumwa-Wapello Landfill
  - (b) Austin and Darrell Rumley (Leon)
  - (c) Moore Oil Company (West Branch)
- SD. - Proposed Contested Case Decision--Iowa Power + Light Co.*  
*Not presented* - 9. Legislation Update. (Combs) Informational.

NEXT MEETING DATES

June 19-20, 1989

July 17-18, 1989

August 21-22, 1989

ENVIRONMENTAL PROTECTION COMMISSION

NAME	COMPANY OR AGENCY	CITY
(please print)		
Larry Larson	Ottumwa - Wapello County Landfill	Ottumwa
JANE McALLISTER	ATTLERS LAW FIRM	DES MOINES
RONALD MOORE	RON MOORE OIL CO	CEDAR RAPIDS
My Andrews	Ron Moore Oil Co	West Branch Ia.
Dorlene Haase	Ron Moore Oil Co	West Branch Ia.
Jana Bumley		Des Moines
Austin Bumley		Des Moines
TEO YANCEY	FARM BUREAU	WDSM
Charles Ballard	D. M. Regier	
Robert Davis	City of Des Moines	
Rod Boshart	CR Gazette	DM
BOB Keefe	CITY of OTTUMWA	OTTUMWA